



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Jose A. Ramirez et al.

Art Unit: 1616

Application No.: 10/712,990

Examiner: Stitzel, David Paul

Filed: 11/17/2003

Attorney Dkt. No.: 11009-0039

For: HYDROGEN PEROXIDE DISINFECTANT CONTAINING A CYCLIC CARBOXYLIC ACID  
AND/OR AROMATIC ALCOHOL

04/25/2006 EAYALEW1 00000059 10712990

01 FC:1251

120.00 OP

**ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of December 27, 2005, Applicants hereby elect the  
Group I invention, claims 1-33.

Applicants also traverse the restriction requirement on the grounds that the  
characterization of claims 1 and 34 as mutually exclusive species is believed to be in error.

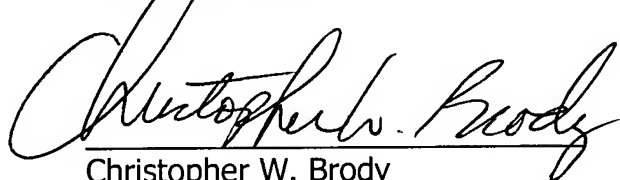
The Examiner's attention is directed to MPEP Section 806.04(f), wherein it is stated  
that for species to be mutually exclusive, the claims must not overlap in scope. Here, it is  
contended that since claim 34 references claim 1 in terms of the solution, there is overlap  
and the characterization of claims 1 and 34 as mutually exclusive species conflicts with  
the guidelines set forth in the MPEP. The Examiner is called upon to clarify or correct the  
restriction requirement in the next action.

Applicants also acknowledge the Examiner's indication that if claim 1 is allowed, the restriction requirement related to the methods of use of the solution of claim 1 will be withdrawn so that the method of use claims would be issued along with the patentable solution claim.

An early examination on the merits is respectfully requested.

A petition for a one month extension of time is hereby made. Attached herewith is a check in the amount of \$120.00 to cover the cost of the petition. Please charge any fee deficiency to Deposit Account No. 50-1088 and credit any overpayment of fees to the same account.

Respectfully submitted,  
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", written over a horizontal line.

Christopher W. Brody  
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